

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: | § | Confirmation No.: | 6167 |
| Trung T. Doan | § | | |
| | § | Group Art Unit: | 2822 |
| Serial No.: | § | | |
| 10/774,762 | § | Examiner: | AU, Bac H |
| | § | | |
| Filed: | § | | |
| February 9, 2004 | § | | |
| | § | | |
| For: | § | Atty. Docket: | MCRO:144-3/MAN |
| Approach to Avoid Buckling in | § | | 92-0321.04 |
| BPSG by Using An Intermediate | § | | |
| Barrier Layer | § | | |

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Commissioner for Patents
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37 C.F.R. 1.8

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December 19, 2008

/Robert A. Manware/

Date

Robert A. Manware

Dear Sir:

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Applicants thank the Examiner for the indication of allowability of claims 19-32 and 39-42. In the notice of allowability the Examiner made certain comments regarding the reasons for allowance of the instant claims. Specifically, the Examiner stated:

The following is an Examiner's statement of reasons for allowance: Prior art does not fairly disclose or make obvious the claimed device taken as a whole, specifically the limitations of A single second planarization layer having a second reflow temperature and a second thermal coefficient of expansion, wherein the barrier film does not reflow at the first or second reflow temperatures and retains its structural integrity to isolate the single first planarization layer from the single second planarization layer, thereby preventing the single first planarization layer and the single second planarization layer from retracting, and enabling the single first planarization layer and the single second planarization layer to uniformly reflow.

Notice of Allowability, pages 2-3.

Applicants note that the cited limitation is substantially identical to element (c) of independent claim 19. While Applicants agree that the prior art does not fairly disclose or suggest this limitation, Applicants further note that this particular limitation is not found identically in independent claim 26 or in independent claim 39. While Applicants appreciate the Examiner's summary, Applicants note that with the inclusion of different subject matter in independent claim 26 and in independent claim 39, that those claims are allowable for additional reasons as set forth in the Appeal Brief filed by Applicants on August 25, 2006 and affirmed by the Board decision May 2, 2008, and further discussed throughout the prosecution history of the instant case.

Accordingly, while Applicants agree with the Examiner's assertion that the above cited limitation is not fairly disclosed or made obvious by the prior art, Applicants further assert that the claims are also allowable for the subject matter previously discussed throughout the prosecution history. If the Examiner wishes to discuss this or any other matter, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: December 19, 2008

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